



General Assembly

***Substitute Bill No. 6581***

*January Session, 2003*

**AN ACT CONCERNING REPORTS OF INJURIES FROM FIREWORKS  
AND PENALTIES FOR THE ILLEGAL USE OR POSSESSION OF  
FIREWORKS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-510a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) The attending physician, the director of a health care institution,  
4 his designee, or any health care provider shall report the provision of  
5 treatment for (1) a second or third degree burn to five per cent or more  
6 of the body, (2) any burn to the upper respiratory tract, (3) laryngeal  
7 edema due to the inhalation of superheated air, [and] (4) each case of a  
8 burn injury which is likely to or may result in death, and (5) any injury  
9 resulting from the use of fireworks, immediately, by telephone, to the  
10 local fire marshal of the jurisdiction where the incident which caused  
11 the burn occurred, and within forty-eight hours, in writing, to the State  
12 Fire Marshal's Office on forms provided by that office. The report shall  
13 be sent to the Bureau of State Fire Marshal and Safety Services which  
14 shall compile the information and publish a statistical abstract to be  
15 submitted annually to local fire marshals and the General Assembly.

16 (b) Nothing in this section shall be construed to remove the primary  
17 responsibility for fire investigations from the appropriate local  
18 jurisdiction.

19 (c) For purposes of this section "health care provider" means any  
20 person, corporation, facility or institution licensed by this state to  
21 provide health care or professional services, or an officer, employee or  
22 agent thereof acting in the course and scope of his employment.

23 Sec. 2. (NEW) (*Effective from passage*) (a) Whenever the State Fire  
24 Marshal determines that there is reason to believe any fireworks are  
25 being sold, used or possessed in violation of any of the provisions of  
26 section 29-357 of the general statutes, as amended by this act, the State  
27 Fire Marshal may issue a written or printed stop sale, use or removal  
28 order to any person who owns, controls or has custody of such  
29 fireworks, and after receipt of such order no person shall sell, use or  
30 remove the fireworks described in the order except in accordance with  
31 the provisions of the order.

32 (b) Any fireworks distributed, sold, offered for sale or delivered for  
33 transportation or transported into or within the state for the purpose of  
34 sale shall be subject to seizure and condemnation upon application of  
35 the State Fire Marshal to the superior court for the judicial district of  
36 Hartford if they are being sold, used or possessed in violation of  
37 section 29-357 of the general statutes, as amended by this act.

38 (c) If the fireworks are condemned, they shall be disposed of by sale,  
39 as the court may direct. The proceeds from such sale shall revert to the  
40 General Fund but no article shall be sold which does not comply with  
41 the provisions of this section. Upon payments of costs and execution  
42 and delivery of a good and sufficient bond, conditioned upon the  
43 guarantee that the article shall not be disposed of unlawfully, the court  
44 may direct that the article be delivered to the owner thereof for  
45 relabeling or reprocessing, as the case may be. When any article is  
46 ordered condemned, court costs, legal fees and storage and other  
47 proper expenses shall be awarded against the person, if any, who  
48 intervenes as claimant of the article or who is responsible for the  
49 condition which leads to its condemnation.

50 Sec. 3. Section 29-357 of the general statutes is repealed and the

51 following is substituted in lieu thereof (*Effective from passage*):

52 (a) Except as provided in subsection (b) of this section, no person,  
53 firm or corporation shall offer for sale, expose for sale, sell at retail or  
54 use or explode or possess with intent to sell, use or explode any  
55 fireworks, except, notwithstanding the provisions of section 29-356,  
56 any person who is sixteen years of age or older may offer for sale,  
57 expose for sale, sell at retail, purchase, use or possess with intent to sell  
58 or use sparklers of not more than one hundred grams of pyrotechnic  
59 mixture per item, which are nonexplosive and nonaerial.

60 (b) The State Fire Marshal shall adopt reasonable regulations, in  
61 accordance with chapter 54, for the granting of permits for supervised  
62 displays of fireworks or for the indoor use of pyrotechnics for special  
63 effects by municipalities, fair associations, amusement parks, other  
64 organizations or groups of individuals or artisans in pursuit of their  
65 trade. Such permit may be issued upon application to said State Fire  
66 Marshal and after (1) inspection of the site of such display or use by  
67 the local fire marshal to determine compliance with the requirements  
68 of such regulations, (2) approval of the chiefs of the police and fire  
69 departments, or, if there is no police or fire department, of the first  
70 selectman, of the municipality wherein the display is to be held as is  
71 provided in this section, and (3) the filing of a bond by the applicant as  
72 provided in section 29-358. No such display shall be handled or fired  
73 by any person until such person has been granted a certificate of  
74 competency by the State Fire Marshal, in respect to which a fee of fifty  
75 dollars shall be payable to the State Treasurer when issued and which  
76 may be renewed every three years upon payment of a fee of thirty  
77 dollars to the State Treasurer, provided such certificate may be  
78 suspended or revoked by said marshal at any time for cause. Such  
79 certificate of competency shall attest to the fact that such operator is  
80 competent to fire a display. Such display shall be of such a character  
81 and so located, discharged or fired as in the opinion of the chiefs of the  
82 police and fire departments or such selectman, after proper inspection,  
83 will not be hazardous to property or endanger any person or persons.  
84 In an aerial bomb, no salute, report or maroon may be used that is

85 composed of a formula of chlorate of potash, sulphur, black needle  
86 antimony and dark aluminum. Formulas that may be used in a salute,  
87 report or maroon are as follows: (A) Perchlorate of potash, black  
88 needle antimony and dark aluminum and (B) perchlorate of potash,  
89 dark aluminum and sulphur. No high explosive such as dynamite,  
90 fulminate of mercury or other stimulator for detonating shall be used  
91 in any aerial bomb or other pyrotechnics. Application for permits shall  
92 be made in writing at least fifteen days prior to the date of display, on  
93 such notice as the State Fire Marshal by regulation prescribes, on forms  
94 furnished by him, and a fee of thirty-five dollars shall be payable to the  
95 State Treasurer with each such application. After such permit has been  
96 granted, sales, possession, use and distribution of fireworks for such  
97 display shall be lawful for that purpose only. No permit granted  
98 hereunder shall be transferable. Any permit issued under the  
99 provisions of this section may be suspended or revoked by the State  
100 Fire Marshal or the local fire marshal for violation by the permittee of  
101 any provision of the general statutes, any regulation or any ordinance  
102 relating to fireworks.

103 (c) The State Fire Marshal may grant variations or exemptions from,  
104 or approve equivalent or alternate compliance with, particular  
105 provisions of any regulation issued under the provisions of subsection  
106 (b) of this section where strict compliance with such provisions would  
107 entail practical difficulty or unnecessary hardship or is otherwise  
108 adjudged unwarranted, provided any such variation, exemption,  
109 approved equivalent or alternate compliance shall, in the opinion of  
110 the State Fire Marshal, secure the public safety and shall be made in  
111 writing.

112 (d) Any person, firm or corporation violating the provisions of this  
113 section shall be fined not more than one hundred dollars or  
114 imprisoned not more than ninety days or be both fined and  
115 imprisoned, except that (1) any person, firm or corporation violating  
116 the provisions of subsection (a) of this section by offering for sale,  
117 exposing for sale or selling at retail or possessing with intent to sell any  
118 fireworks with a value exceeding ten thousand dollars shall be guilty

119 of a class A misdemeanor, and (2) any person, firm or corporation  
120 violating any provisions of subsection (b) of this section or regulations  
121 adopted thereunder shall be guilty of a class D felony.

122 Sec. 4. Section 29-366 of the general statutes is repealed and the  
123 following is substituted in lieu thereof (*Effective from passage*):

124 Any person, firm or corporation violating the provisions of sections  
125 29-358 to 29-365, inclusive, shall be [fined not more than one hundred  
126 dollars or imprisoned not more than ninety days or be both fined and  
127 imprisoned] guilty of a class D felony.

128 Sec. 5. Section 53a-56 of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective from passage*):

130 (a) A person is guilty of manslaughter in the second degree when:  
131 (1) [He] Such person recklessly causes the death of another person; [or]  
132 (2) [he] such person intentionally causes or aids another person, other  
133 than by force, duress or deception, to commit suicide; or (3) the death  
134 of another person results from the use of pyrotechnics in violation of  
135 subsection (b) of section 29-357, as amended by this act.

136 (b) Manslaughter in the second degree is a class C felony.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

PS

Joint Favorable Subst. C/R

JUD